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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/129,468	08/04/1998	MICHAEL W. PFEIFFER	S01.12-0448	4542

7590 02/24/2003

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EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/129,468

Applicant(s)

PFEIFFER ET AL.

Examiner

Minh Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Brief filed 12/13/2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Brief filed on 12/13/2002, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Improved assembly device for assembling components of a data storage device.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Many terms/phrases are vague, indefinite, confusing and/or awkwardly worded, for examples:

It is not clear whether "a plurality of assembly components to the carousel base"(claim 1, lines 6-7) is same as "assembling components" (claim 1, line 1).

"an unassembled data device " (claim 1, line 11) is unclear and confusing, it is not known if "an unassembled data device " (claim 1, line 11) is a part of the claimed apparatus? Further, it appears that it is the same as "a data storage device "(claim 1, line 1) (see specs. Page 5, second paragraph, and page 6, line 22).

It is unclear whether "the apparatus" (claim 2, line 3) is referred to the carousel or the apparatus. Please clarify.

"an indexer" (claim 4, line 1) appears to be incorrect, should be "a spacer indexer motor" instead (see page 16, 3rd paragraph).

"container" (claim 5, line 3) should be: --containers--.

"a data ..."(claim 10, last line) should be: -- the data--.

"the apparatus" (claim 21, lines 4 and 6) is not clear as to whether they are present "an assembly apparatus" (claim 21, line 1) or if they are directed to another device, which is operatively associated with the assembly apparatus. It appears that they should be directed to at least one of the "carousel ".

"the unassembled device" (claim 21, line 5); "the assembly arms" (claim 21, last line); lack antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-3 and 21, as understood are rejected under 35 U.S.C. 102(e) as being anticipated by Chuang et al (US 6,094,804).

Chuang et al disclose an apparatus comprising: a frame 278 connectively attached to the carousel 316 with base (see Fig. 10); a carousel coupling device to removably couple to the carousel base wherein the carousel 316 including a plurality of components thereof (see Fig. 11, shows a carousel coupling device that couple the carousel base to the frame 278, see col. 17, lines 11-25) an assembly arm 318, and assembly arm driver coupled to the assembly arm 318 (see Fig. 10) to operate the assembly arm and to unload components 314's from the carousel and load the components in the unassembled device 296 (see col. 17, lines 15-21) and assemble the unloaded component into the data storage device 296. Noted that the attached

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assembly (296) of the applied reference is present the data storage device of the instant invention.

As applied to each of claim 2 and 3, Chuang et al disclose a motor operatively attached to the carousel base as to rotatable each stack component (see discussion at col. 17, lines 14-15). the vacuum operatively associated with the carousel base (see discussion at col. 17, lines 17-18).

As applied to claim 21, Chuang et al disclose an apparatus comprising: an arm assembly 318; and an arm driver operatively coupled to the assembly arm for unload components 314 from a carousel 316 and load the component 314 to the attachment assembly 296 (see Fig. 10-11, col. 17, lines 11-21, col. 28, lines 36-45); means for intermittently stocking the carousel with a supply of components for assembly by the assembly arm 318 (see col. 17, lines 15-20, col. 28, lines 41-44).

Allowable Subject Matter

7. Claims 4-15 and 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 23-26 are allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887.

The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt
February 19, 2003

A handwritten signature in black ink, appearing to read 'PETER VO', is written over a horizontal line.

PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700